

ASSEMBLY BILL

No. 2214

Introduced by Assembly Member Keeley

February 20, 2002

An act to add Section 115261 to the Health and Safety Code, and to repeal Section 11 of Chapter 1309 of the Statutes of 1990, relating to radioactive waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2214, as introduced, Keeley. Low-level radioactive waste disposal facility.

(1) The existing Radiation Control Law requires the State Department of Health Services, among other things, to issue licenses, and prohibits the department from issuing a license to receive radioactive material for disposal unless specified requirements are satisfied, including that the land on which the radioactive wastes are to be buried is owned by the federal or state government.

Under existing law, the Southwestern Low-Level Radioactive Waste Disposal Compact specifies that California is to serve as the state required to host the regional low-level radioactive waste disposal facility for the permanent isolation of low-level radioactive waste pursuant to specified federal requirements and the requirements of the host state. A violation of the provisions regulating radioactive waste is a crime.

This bill would define terms and would prohibit the department from issuing a license for the disposal of low-level radioactive waste, or renewing a license, unless the department determines that the design and operation of the facility meets specified requirements. The bill would require a low-level radioactive waste disposal facility

constructed in the state to meet specified requirements regarding the management of that waste. The bill would prohibit the proposed Ward Valley radioactive waste disposal site from serving as the state's facility for purposes of the compact and would prohibit the state from accepting ownership or other property rights to the site of that facility.

Since a violation of the bill would be a crime, the bill would impose a state-mandated local program.

(2) Existing law authorizes the State Director of Health Services, with the approval of the Director of General Services, to lease specified property to construct, operate, and close a low-level radioactive waste disposal facility.

This bill would repeal that authority.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The term "low-level radioactive waste" generally is
4 defined under federal and state law as all radioactive waste other
5 than spent reactor fuel, certain high concentration waste from
6 nuclear weapons production, and uranium mill tailings. Low-level
7 radioactive waste may include such materials as plutonium 239,
8 cesium-137, and strontium 90 and may have radioactive
9 concentrations greater than some high-level radioactive wastes.

10 (b) The state entered into the Southwestern Low-Level
11 Radioactive Waste Disposal Compact (Section 115255 of the
12 Health and Safety Code) in 1987 with the States of Arizona, North
13 Dakota, and South Dakota. Under this compact, the state agreed
14 to host a disposal facility for low-level radioactive wastes for the
15 first 30 years.

16 (c) Section (c) of Article 2 of the Southwestern Low-Level
17 Radioactive Waste Disposal Compact authorizes the state to



1 establish requirements for the disposal of low-level radioactive
2 wastes.

3 (d) Article 5 of the compact requires that a disposal facility
4 shall be approved by the host state in accordance with its laws.

5 (e) In 1988, Ward Valley in San Bernardino County was
6 selected as the proposed disposal site. The design of the facility
7 involved the shallow land burial of containers of low-level
8 radioactive waste.

9 (f) There have been seven sites in the United States where
10 commercial low-level radioactive wastes have been disposed of in
11 a similar manner as proposed for Ward Valley. Radioactive
12 materials have migrated from at least six of these sites, including
13 one that has been designated as a site subject to the Comprehensive
14 Environmental Response Compensation and Liability Act of
15 1980, as amended (42 U.S.C. Sec. 9601 et seq.), which is also
16 known as the “Federal Superfund Act.”

17 (g) The plan for disposal of low-level radioactive wastes at
18 Ward Valley did not achieve a consensus that it would adequately
19 protect the health and safety of the state’s citizens in the most
20 ecological and economical manner.

21 SEC. 2. Section 115261 is added to the Health and Safety
22 Code, to read:

23 115261. (a) The department shall not issue a license to
24 dispose of low-level radioactive waste pursuant to this chapter, or
25 to renew a license that has been issued by the department, unless
26 the department determines that the design and operation of the
27 facility will meet both of the following requirements:

28 (1) Ensure no radioactive material will be released into the
29 environment.

30 (2) Provide continual monitoring and repackaging of materials
31 to prevent any release of material into the environment.

32 (b) Any low-level radioactive waste disposal facility
33 constructed in this state shall meet all of the following
34 requirements, in addition to those required by the department:

35 (1) Low-level radioactive waste shall be stored in containers
36 capable of storing the waste without leakage to the environment.

37 (2) Each container shall be labeled with the name of the
38 producer, shipper, date, and contents by amount, type, and
39 half-life.

1 (3) The facility shall be designed and operated to prevent the
2 escape of low-level radioactive waste from a container.

3 (4) The facility shall include multiple, engineered barriers,
4 including, but not limited to, redundant impermeable floors, walls,
5 ceilings, and effluent collection systems, designed to contain any
6 spilled or leaked radioactive waste and prevent exposure to rain or
7 other environmental hazards.

8 (5) Each low-level radioactive waste container shall be stored
9 in a manner providing visual inspection and ready access to each
10 container.

11 (6) Any deteriorating containers shall be repackaged into new
12 containers.

13 (7) Any spilled or leaked radioactive materials and any
14 resulting contaminated materials shall be collected and placed into
15 new containers.

16 (c) (1) The proposed Ward Valley low-level radioactive waste
17 disposal site in San Bernardino County shall not serve as the state's
18 low-level radioactive waste disposal facility for purposes of
19 Article 5 of the compact.

20 (2) The state shall not accept ownership or any other property
21 rights to the site of the Ward Valley low-level radioactive waste
22 disposal facility.

23 (d) For purposes of this section, the following definitions shall
24 apply:

25 (1) "Compact" means the Southwestern Low-Level
26 Radioactive Waste Disposal Compact specified in Section 115255.

27 (2) "Low-level radioactive waste" has the same meaning as
28 defined in Article 2 of the compact.

29 (3) "Low-level radioactive waste facility", or "facility"
30 means all contiguous land and structures, other appurtenances, and
31 improvements, on the land used for the disposal of low-level
32 radioactive waste.

33 SEC. 3. Section 11 of Chapter 1309 of the Statutes of 1990 is
34 repealed.

35 ~~Sec. 11. The State Director of Health Services, with the~~
36 ~~approval of the Director of General Services, is authorized to lease~~
37 ~~real property to construct, operate, and close a low level~~
38 ~~radioactive waste facility, for any period of time consistent with~~
39 ~~Section 25878 of the Health and Safety Code, and upon such terms~~
40 ~~and conditions as the State Director of Health Services deems are~~

1 ~~in the best interests of the state, in all or any part of approximately~~
2 ~~1,000 acres being in the County of San Bernardino in Sections 26,~~
3 ~~27, 34, and 35, Township 9 North, Range 19 East, San Bernardino~~
4 ~~Baseline and Meridian.~~

5 SEC. 4. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

